

Commissioners of Douglas County, I want to make this short, but I want to have an impact on you. . Specifically I want to address how the 4th amendment has been handled at Nevada beach on the 4th of July. Briefly, The 4th amendment is the right to be free from unreasonable searches.

First I want to start out on a positive note:

2014 and 2015 were great 4th of July celebrations. I think the public was well behaved and I think the police were well behaved. With minor exception, I see no reason to deviate from the alcohol policy as it was enforced in 2014 and 15.

Now I want to explain my gripes:

Some people may call me paranoid but I think we have created a society that is too intrusive. To start: I will give a quick examples:

1. Vehicle miles traveled tax. This is a proposed program to put a mandatory GPS in everyone's vehicle that will report their location to the government 24 hours a day 7 days a week so that the government can tax you for whatever amount they want for driving your vehicle. When I saw there was a public forum for this idea, I went down there and explained why this is unconstitutional.

(https://en.wikipedia.org/wiki/Vehicle_miles_traveled_tax)

-When I don't want a government mandated device that reports my location to the government 24/7 in my car.....that is not being paranoid.

And then I want to add another example. When I went down to Nevada Beach on the 4th of July in 2013, I was grabbed by a security guard and then kicked out of the park by a Douglas County sherriff because I did not want to consent to an unconstitutional search.

-When I don't want my 4th amendment rights violated so that I can celebrate my rights on the 4th of July.....that is not being paranoid.

These are 2 examples. There are many more.

I fought hard against the violation of my rights at Nevada Beach in 2013 in several ways. I'm happy to repeat that the 4th of July at Nevada beach in 2014 and 15 were handled differently and mostly appropriately.

I want to talk about why is the 4th amendment important?

We are creating a American Society was never intended by our founders and our constitution. It is important to me, because if the 4th amendment is respected, It allows us to keep our independence before tyranny can take hold. This is the real reason our founders created the bill of rights. They had lived under a tyrannical government and they wanted to prevent this sort of thing from happening again. Wouldn't it be a shame if we allowed a tyrannical government in modern times?

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By _____
Deputy _____
Public Comment Mr. Smith

I am afraid that if no one takes a stand here we will very quickly lose our right to privacy. I want to close by asking you how much government intrusion are you willing to take in your life? What have you done and what can you do to prevent 4th amendment violations before it is too late to stop it?

And then I want to leave you with two quotes to think about:

All that is necessary for the triumph of evil is that good men do nothing (author is disputed but this quote is often attributed to Edmund Burk. (https://en.wikiquote.org/wiki/Edmund_Burke))

"**First they came ...**" is a famous statement and provocative poem written by Pastor [Martin Niemöller](#) (1892–1984) about the cowardice of German intellectuals following the [Nazis'](#) rise to power and the subsequent [purging](#) of their chosen targets, group after group

First they came for the Socialists, and I did not speak out—
Because I was not a Socialist.

Then they came for the Jews, and I did not speak out—
Because I was not a Jew.

Then they came for me—and there was no one left to speak for me.

(https://en.wikipedia.org/wiki/First_they_came_...)

My Name is Glen Smith
I live in Round Hill

July 16, 2015

The purpose of my comments today is to get clarification on the Douglas County Sheriff's Department policy on searches.

What a fantastic celebration of Independence Day this past 4th of July at Nevada Beach!

My Great, Great, Great Grandfather fought in the Revolutionary War and helped to win our independence from unreasonable government.

On July 4th, 2013 my Son Scott did not consent to the search of his backpack that was requested by the US Forest Service Security Officer. The Officer attempted to grab the backpack, and then called for a DCS Officer who then prevented him from entering the park. There was no search warrant, and my Son did not behave in any manor to indicate probable cause for a search. This search would have been a clear violation of the Fourth Amendment. Preventing him from walking peacefully into the park was a violation of his rights without cause. What a strange way of celebrating our independence from unreasonable government! My Son wrote a letter of complaint to the Douglas County Sheriff's Department demanding an answer to this violation. No answer was ever received.

On July 4th the last two years, there were no searches that we observed at Nevada Beach. My Son and I spoke to US Forest Service Officers and Douglas County Sheriff's Officers both years, and they indicated that they would be observing and advising people of regulations and fines, and would be patrolling the beach. This appears to be the proper and effective roll of these Officers, and seems to have been effective in preserving an orderly and safe event. I commend the professionalism of all the Officers we spoke to these two years.

On June 24th, 2015 an article was published in the Tahoe Daily Tribune entitled Douglas County announces rules for Fourth and stating that: **"Any cooler, backpack, bag, purse or other container that reasonably could carry a vessel containing an alcoholic beverage is subject to inspection and or seizure anywhere inside Nevada Beach Park"**. There is no mention of a warrant or probable cause in this statement, and therefor this is **a statement that the Douglas County Sheriff's Department intends to violate the Fourth Amendment**. I think these notices are a very bad idea, and tend to damage the credibility of the County, the Sheriff's Department and the newspaper. I am asking the following:

- Discontinue issuing notices to the public that state that searches will be conducted without probable cause.
- Continue the practice of advising, observing, and patrolling Nevada Beach on the 4th of July without conducting searches without probable cause.

Please respond in writing within 30 days.

Thank You,

Glen Smith, P O Box 1476 Zephyr Cove NV 89448 775 588 1550

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